

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22117 of 2019

Arising Out of PS. Case No.-170 Year-2018 Thana- MUSAHARI District- Muzaffarpur

DHARMENDRA KUMAR, Son of Awadh Singh Resident of Village-
Sutihara, P.S-Mushahari, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Ms. Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 09-04-2019 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Mushahari Police Station Case No. 170 of 2018, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30(a), 36 and 38 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the fact that small quantity of illicit liquor (2.7 Litres) alleged to have been recovered and that too not from the possession of the petitioner, it is directed that if



the petitioner, Dharmendra Kumar, surrenders before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered and disposed of on the same day by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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